

86th Legislative Session – 2011

Committee: House Judiciary

Monday, February 07, 2011

P - Present
E - Excused
A - Absent

Roll Call

P Abdallah
P Boomgarden
P Feinstein
P Gibson
P Hansen (Jon)
P Killer
P Kopp
P Nelson (Stace)
P Russell
P Tornow
P Turbiville
P Gosch, Vice-Chair
P Hunt, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chair Hunt.

MOTION: TO APPROVE THE MINUTES OF FEBRUARY 2, 2011

Moved by: Boomgarden
Second by: Gibson
Action: Prevailed by voice vote.

HB 1200: include certain state officials in protections afforded law enforcement and judicial officers.

Presented by: Representative R. Shawn Tornow

MOTION: TO TABLE HB 1200

Moved by: Boomgarden
Second by: Gibson
Action: Prevailed by roll call vote. (11-0-2-0)

Voting Yes: Abdallah, Boomgarden, Gibson, Hansen (Jon), Kopp, Nelson (Stace), Russell, Tornow, Turbiville, Gosch, Hunt

Excused: Feinstein, Killer

HB 1195: restrict, under certain circumstances, the creation and transfer of conservation easements.

Presented by: Representative Lance Russell
Proponents: Representative David Sigdestad
Opponents: George Vandel, Pierre, self
Edward Raventon, Sierra Club
Jeff Vonk, Department of Game, Fish & Parks
Susan Thompson, SD Peace and Justice Center
Paul Lepisto, Pierre, self
Tom Barnett, State Bar Association of South Dakota
Jim Hood, Municipal League, SD

MOTION: AMEND HB 1195

1195re

On page 3, line 24, remove everything after "to the" and insert "circuit court to judicially review the question of public interest.".

Moved by: Russell
Second by: Gibson
Action: Prevailed by voice vote.

MOTION: AMEND HB 1195

1195rd

On page 2 of the printed bill, delete lines 10 to 12, inclusive, and insert:

" Section 2. Each board of county commissioners may, by ordinance, determine a maximum percentage of the county's total acreage that is subject to being transferred to holders as conservation easements."

On page 2, line 15, before "forthwith" insert ", if the county conservation easement allowance provided for in section 2 of this Act has been reached or exceeded,".

Moved by: Russell
Second by: Nelson (Stace)
Action: Prevailed by voice vote.

MOTION: DEFER HB 1195 TO THE 41ST LEGISLATIVE DAY

Moved by: Turbiville
Second by: Gosch
Action: Prevailed by roll call vote. (10-3-0-0)

Voting Yes: Abdallah, Boomgarden, Feinstein, Gibson, Hansen (Jon), Killer, Tornow, Turbiville, Gosch, Hunt

Voting No: Kopp, Nelson (Stace), Russell

HB 1161: prohibit the use of certain photo radar speed detection systems and of certain photo monitoring devices to detect red light violations.

Presented by: Representative Peggy Gibson
Proponents: I. L. Wiederman, Sioux Falls, self
Opponents: Jim Hood, Municipal League, SD

MOTION: DO PASS HB 1161

Moved by: Boomgarden
Second by: Abdallah
Action: Prevailed by roll call vote. (9-4-0-0)

Voting Yes: Abdallah, Boomgarden, Feinstein, Gibson, Hansen (Jon), Killer, Kopp, Russell, Gosch

Voting No: Nelson (Stace), Tornow, Turbiville, Hunt

HB 1076: increase the fee for a payor to withhold child support.

Presented by: Representative R. Shawn Tornow (handout #1)
Proponents: Jeff Tornow, Sioux Falls, self (via telephone)
Opponents: Dan Todd, Department of Social Services (handout #2)

MOTION: AMEND HB 1076

1076ra

On page 1, line 6, of the printed bill, after "." insert "The payor may retain a deduction of not more than twenty-two dollars from the first payment as reimbursement of administrative and associated costs.".

On page 1, line 12, delete "three fifteen dollars per month" and insert "three dollars per month two dollars and seventy-five cents per pay period".

Moved by: Nelson (Stace)
Second by: Hansen (Jon)
Action: Failed by roll call vote. (5-8-0-0)

Voting Yes: Hansen (Jon), Nelson (Stace), Russell, Tornow, Hunt

Voting No: Abdallah, Boomgarden, Feinstein, Gibson, Killer, Kopp, Turbiville, Gosch

MOTION: AMEND HB 1076

1076rb

On page 1, line 12, of the printed bill, delete "fifteen" and insert "two".

On page 1, line 12, overstrike "month" and insert "withholding period".

Moved by: Turbiville
Second by: Gibson
Action: Prevailed by roll call vote. (7-6-0-0)

Voting Yes: Hansen (Jon), Kopp, Nelson (Stace), Russell, Tornow, Turbiville, Hunt

Voting No: Abdallah, Boomgarden, Feinstein, Gibson, Killer, Gosch

MOTION: DEFER HB 1076 TO THE 41ST LEGISLATIVE DAY

Moved by: Abdallah
Second by: Gibson
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DO PASS HB 1076 AS AMENDED

Moved by: Nelson (Stace)
Second by: Hansen (Jon)
Action: Failed by roll call vote. (5-8-0-0)

Voting Yes: Hansen (Jon), Nelson (Stace), Russell, Tornow, Hunt

Voting No: Abdallah, Boomgarden, Feinstein, Gibson, Killer, Kopp, Turbiville, Gosch

MOTION: DEFER HB 1076 TO THE 41ST LEGISLATIVE DAY

Moved by: Abdallah
Second by: Gibson
Action: Prevailed by roll call vote. (8-5-0-0)

Voting Yes: Abdallah, Boomgarden, Feinstein, Gibson, Killer, Kopp, Turbiville, Gosch

Voting No: Hansen (Jon), Nelson (Stace), Russell, Tornow, Hunt

HB 1087: address comprehensibly the liability relationship between a trespasser and a person with a possessory interest in land.

THE CHAIR DEFERRED HB 1087 UNTIL WEDNESDAY, FEBRUARY 9, 2011

HB 1186: require certain children to be in booster seats when in motor vehicles.

Presented by: Representative Elaine Elliott
Proponents: Greg Boris, South Dakota Voices for Children
Mark Madeja, AAA
Dave Gerdes, SD State Medical Association
Dick Tieszen, State Farm Insurance
Maynard Konechne, SDEMTA

MOTION: DEFER HB 1186 TO THE 41ST LEGISLATIVE DAY

Moved by: Boomgarden
Second by: Tornow
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DO PASS HB 1186

Moved by: Gibson
Second by: Feinstein
Action: Failed by roll call vote. (4-9-0-0)

Voting Yes: Abdallah, Feinstein, Gibson, Killer

Voting No: Boomgarden, Hansen (Jon), Kopp, Nelson (Stace), Russell, Tornow, Turbiville, Gosch, Hunt

MOTION: DEFER HB 1186 TO THE 41ST LEGISLATIVE DAY

Moved by: Boomgarden
Second by: Tornow
Action: Prevailed by roll call vote. (10-3-0-0)

Voting Yes: Abdallah, Boomgarden, Hansen (Jon), Kopp, Nelson (Stace), Russell, Tornow, Turbiville, Gosch, Hunt

Voting No: Feinstein, Gibson, Killer

HB 1199: provide for a compact concerning citizenship.

Presented by: Representative Manny Steele
Proponents: Rita Hougum, Eagle Forum
Opponents: Henry Evans, Sioux Falls, self (handout #3)
Sam Ellingson, ACLU of SD (handouts #4, 5 & 6)
Sister Myra Remily, Aberdeen, self (handout #7)
Steven Siegel, SD Trial Lawyers Association
Tom Barnett, State Bar Association of South Dakota
Sister Ramona Fallon, Watertown, self

MOTION: DO PASS HB 1199

Moved by: Kopp
Second by: Nelson (Stace)

Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER HB 1199 TO THE 41ST LEGISLATIVE DAY

Moved by: Turbiville

Second by: Feinstein

Action: Prevailed by roll call vote. (8-5-0-0)

Voting Yes: Abdallah, Feinstein, Gibson, Hansen (Jon), Killer, Turbiville, Gosch, Hunt

Voting No: Boomgarden, Kopp, Nelson (Stace), Russell, Tornow

MOTION: ADJOURN

Moved by: Turbiville

Second by: Gosch

Action: Prevailed by voice vote.

Cindy Tryon
Committee Secretary

Roger W. Hunt, Chair